

Questions to Address Regarding SBOT General Counsel

1. Is the State Bar Act mandatory or permissive with respect to the Board appointing a general counsel?

Three possible choices for advising the Board:

- a. mandatory
- b. permissive
- c. uncertain enough that the SBOT should request an Attorney General opinion

2. Do the State Bar Rules affect the analysis, making it mandatory or permissive separate and apart from the State Bar Act?

Four possible choices for advising the Board:

- a. mandatory
- b. permissive
- c. uncertain enough that the SBOT should request input from the Supreme Court
- d. uncertain enough that the SBOT should request an Attorney General opinion

3. If the Board's ultimate decision (either on its own or after input from the Supreme Court or the AG) is that the appointment of a general counsel is permissive, what recommendation should the Administration Committee make to the Board about whether to appoint a general counsel? Is it a good idea even if the law is permissive?

4. Assuming the Board decides to appoint a general counsel (either on its own or after input from the Supreme Court or the AG), what is the process for locating candidates for the Board to consider? What role does the Administration Committee play?

5. Assuming the Board decides to appoint a general counsel (either on its own or after input from the Supreme Court or the AG), what will the general counsel's duties (job description) be? Will this be a full-time or part-time position?

6. Depending on the answer to question 5, what will the fiscal impact be of appointing a general counsel?